

### REMARKS

The application has been carefully reviewed in light of the Office Action dated June 16, 2003. Applicants' undersigned representatives wish to thank the Examiner for the courteous and helpful interview conducted on September 11, 2003. Applicants gratefully acknowledge the Examiner's statement that claims 6-11, 14-32, 35-49 and 52-56 contain allowable subject matter. Applicants further acknowledge the Examiner's statement that the election of species requirement has been withdrawn and that claims 1-57 are now active in this case.

The Office Action states, at paragraph 3, that Applicants filed Information Disclosure Statements ("IDSs") on July 15, 2002 and September 26, 2002 and that they were duplicates. This is incorrect.

Applicants' first filed IDS was on August 7, 2002 (not July 15, 2002), which cited the references acknowledged by the Examiner in the Office Action dated June 16, 2003 (Paper No. 9). The Second IDS filed on September 26, 2002 was not a duplicate of the first IDS, but rather it disclosed 170 different references, and contained 29 pages, including Appendix A and Forms 1449.

In accordance with the Examiner's instructions provided to the undersigned during a telephone conference on September 12, 2003, copies of Forms 1449 from both the original IDS and the Second IDS are being filed concurrently herewith. Also being filed herewith is a copy of the date-stamped postcard receipts for both the original and Second IDS filings. Applicants respectfully request that the references listed on the respective Forms 1449 be fully considered and acknowledged by the Examiner.

A Third IDS is also being filed concurrently with this Amendment. Applicants respectfully request that the references cited therein be fully considered and acknowledged by the Examiner.

As for substantive matters, claims 1-5, 12, 13, 33, 34, 50, 51 and 57 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cowles et al. (U.S. Patent No. 6,449,203). Applicants respectfully traverse the rejection and request reconsideration.

Amended claims 1, 33, 50 and 57 recite determining “a resistance level, and thereby, a logical state” of a programmable conductor memory element. As acknowledged during the interview conducted September 11, 2003, neither Cowles, nor any of the other cited references, teach or suggest determining a resistance level, and thereby, a logical state, of a programmable conductor memory element. At least for this reason, claims 1, 33, 50 and 57 are allowable over Cowles.

Claims 2-13, 34-39 and 51-55 depend from claims 1, 33 and 50 and are allowable at least for the same reason mentioned above and also because none of the cited references teaches or suggests their respective inventive combinations.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application (with claims 1-57) to issue.

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Respectfully submitted,

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